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6 Attorneys for Debtor Juan C. Bracamontes-Galindo

7 **UNITED STATES BANKRUPTCY COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 In re: ) CASE NO.: 10-11343-bam  
10 JUAN C. BRACAMONTES- GALINDO, ) Chapter 7  
11 Debtor, ) Hearing Date: 06/15/2010  
12 ) Hearing Time: 1:30 p.m.  
13 )

14 **RESPONSE TO MOTION TO DISMISS AND MOTION**  
**TO CONSOLIDATE PER BANKRUPTCY FED. R. BANKR. P. 1015**

15 Comes now Juan C. Bracamontes, (the “**Debtor**”) in the above-captioned proceeding,  
16 files this Reply (the “**Reply**”) to Motion To Dismiss Case set for June 30, 2010 before Judge  
17 Bruce A. Markell and Motion to Consolidate filed cases (the “**Motion**”).  
18

19 DATED this 4<sup>th</sup> day of June, 2010.  
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21 SULLIVANBROWN  
22

23 /s/ Christopher Sullivan, Esq.  
CHRIS SULLIVAN, ESQ.  
24 Nevada State Bar #8278  
IAN CHRISOPHERSON, ESQ  
Nevada Bar No.: 3701  
332 South Jones Blvd.  
25 Las Vegas, Nevada 89107  
Attorney for Defendant

## **RESPONSE**

Debtor requesting to consolidate cases 10-17804-bam and 10-11343- bam.

The trustee asserts that the debtor failed to appear to the 341 Meetings. However the meetings were never conducted or called and to counsels understanding all hearings were called off prior to hearing date. Counsel appeared to at lease two of the dates to discuss the status of the case with the trustee. Dismissal is not appropriate here for the reasons stated.

Under Section 521(I) Dismissal will not be to the benefit of the creditors.

In any case in which the court finds that there may be materially fraudulent statements in any schedule filed under 11 U.S.C. § 521, the court will promptly refer the matter for further action to the individual designated for the District of Nevada under 18 U.S.C. § 158(a).

## **MOTION TO CONSOLIDATE**

On January 29, 2010, the Debtor filed his petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. § 101, *et al.* as amended (the “**Bankruptcy Code**”) case number 10-11343-bam as a skeleton petition. Debtor filed a petition heron to protect the asset of the estate in the property herein.

On April 29, 2010 as a clerical error a second case was filed, Case Number 10-17804-bam as completed schedules were filed

On April 29, 2010, the Debtor filed his petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. § 101, *et al.* as amended (the “**Bankruptcy Code**”) case number 10-17804-bam. Under BR 1015 Consolidation is appropriate.

Debtor delayed the filing of the schedules herein

When the schedules were filed as new case Number 10-17804-bam

1 The debtor has a bonafide adversary case against a creditor who claims under a "buy sell"  
2 agreement.

3 The agreement was complete on the execution of the note to surrender. See opposition to  
4 lift stay Exhibit 1.

5 Because the note was not secured was to creditor Martinez. Martinez believed that there  
6 was an excusatory contract, as opposed to a completed contract.

7 The state district court agreed with Martinez.

8 Because there is no secured debt on the property and there are assets in the estate and  
9 dismissal would not be to the benefit of the creditors. Dismissal of the Case should not occur  
10 under 521(I) instead the two cases should be consolidated under rule 1015

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13 DATED this 4th day of June 2010.

14 SULLIVANBROWN

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16 /s/ Christopher Sullivan, Esq.  
IAN CHRISOPHERSON, ESQ.  
17 Nevada Bar No.: 3701  
CHRIS SULLIVAN, ESQ.  
18 Nevada State Bar #8278  
332 South Jones Blvd.  
19 Las Vegas, Nevada 89107  
Attorney for Defendant

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1  
2 **CERTIFICATE OF MAILING**  
3

4 I hereby certify that on the above preceding was served via Electronic Notice, a  
5 true and correct copy of the foregoing to the following on June 4, 2010:  
6

7 CHRISTOPHER R MCCULLOUGH on behalf of Creditor Marcelino Martinez  
8 [chrislaw@mcpalaw.com](mailto:chrislaw@mcpalaw.com)

9 U.S. TRUSTEE - LV - 7  
10 [USTPRegion17.LV.ECF@usdoj.gov](mailto:USTPRegion17.LV.ECF@usdoj.gov)

11 ACE C VAN PATTEN on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST  
12 COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS-  
13 THROUGH CERTIFICATES, SERIES 2005-W4  
14 [avanpatten@piteduncan.com](mailto:avanpatten@piteduncan.com), [avanpatten@piteduncan.com](mailto:avanpatten@piteduncan.com)

15 YVETTE WEINSTEIN  
16 [yweinsteinhsd@earthlink.net](mailto:yweinsteinhsd@earthlink.net), [NV08@ecfcbis.com](mailto:NV08@ecfcbis.com)

17 I hereby certify that on the above preceding was served via Regular US Postal Mail, a  
18 true and correct copy of the foregoing to the following on June 4, 2010:  
19

20 GILBERT B. WEISMAN on behalf of Creditor  
21 ECAST SETTLEMENT CORPORATION  
22 PO BOX 3001  
23 MALVERN, PA 19355-0701  
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An employee of SullivanBrown